

ORDINANCE NO. 14-

AN ORDINANCE TO AMEND THE ZONING ORDINANCES OF THE  
CITY OF HUNTSVILLE, ALABAMA

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The public welfare requiring it, and under authority granted by Section 11-52-78 of the 1975 *Code of Alabama*, **BE IT ORDAINED** by the City Council for the City of Huntsville, Alabama, that the Zoning Ordinance of the City of Huntsville, Alabama, as adopted on the 21st day of March 1963, as amended, is hereby further amended as follows:

*Section 1. Amend ARTICLE 3 - DEFINITIONS, Section 3.1 - Interpretation to add the following new definitions:*

Community Garden- An area of land managed and properly maintained by a group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, for beautification, personal consumption, or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group. This term does not include a garden that is adjacent to and associated with a residential dwelling unit or an urban farm.

Farmers Market- A market conducted outdoors or in an unenclosed shelter where retail sales and demonstration of home-grown products, including produce, ornamental crops, meat, eggs and other agricultural products; homemade value added products, including baked goods, jams and jellies, pickles and relish, dried fruits, syrups and honey; and handmade arts, crafts, and unique local goods are conducted by the vendor engaged in the production of such products. The term does not include the sale or demonstration of mass produced items, used clothing, appliances, and other similar products.

Urban Farm- A premise in which farming is conducted, including the growing of fruit, vegetables, and other plant products and the raising of livestock for commercial sales, personal use, consumption, donation, and/or for educational purposes. The term does not include gardens customary to residential occupancy or community gardens.

*Section 2. Amend ARTICLE 42 - PLANNED INDUSTRIAL DISTRICT REGULATIONS, Section 42.1 - Uses Permitted; ARTICLE 51 - RESEARCH PARK WEST DISTRICT REGULATIONS, Section 51.1 - Uses Permitted; ARTICLE 52 - RESEARCH PARK APPLICATIONS DISTRICT REGULATIONS, Section 52.1 - Uses Permitted; ARTICLE 54 - RESEARCH PARK APPLICATIONS 2 DISTRICT REGULATIONS, Section 54.1- Uses Permitted by deleting the following as permitted use:*

*Agricultural operations on tracts of ten (10) acres or greater- provided no sales are made on the premises, but not including commercial animal or poultry farms or kennels.*

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Section 3. Amend ARTICLE 10 - RESIDENCE 1 DISTRICT REGULATIONS, Section 10.1 - Uses Permitted; ARTICLE 17 - RESIDENCE 2-C DISTRICT REGULATIONS, Section 17.1 - Uses Permitted by deleting the following as permitted use:

Agricultural uses, provided no sales are made on the premises; and gardens customary to residential occupancy and buildings incidental thereto, but not including commercial animal or poultry farms or kennels.

Section 4. Amend ARTICLE 20 - NEIGHBORHOOD BUSINESS C-1 DISTRICT REGULATIONS, Section 20.1 - Uses Permitted by deleting the following as permitted use:

Agricultural uses, excluding firewood sales and outdoor nurseries.

Section 5. Amend ARTICLE 21 - ARTICLE 21 - NEIGHBORHOOD BUSINESS C-1A REGULATIONS, Section 21.1 - Uses Permitted by deleting the following as permitted use:

Agricultural use.

Section 6. Amend ARTICLE 24 - HIGHWAY BUSINESS C-4 DISTRICT REGULATIONS, Section 24.1 - Uses Permitted; ARTICLE 64 - AIRPORT COMMERCIAL DISTRICT REGULATIONS, Section 64.1 - Uses Permitted by deleting the following as permitted use:

Agricultural uses.

Section 7. Amend ARTICLE 40 - LIGHT INDUSTRY DISTRICT REGULATIONS, Section 40.1 - Uses Permitted; ARTICLE 44 - COMMERCIAL INDUSTRIAL PARK DISTRICT REGULATIONS, Section 44.1 - Uses Permitted by deleting the following as permitted use:

Agricultural uses, including sales on premises.

Section 8. Amend ARTICLE 50 - RESEARCH PARK DISTRICT REGULATIONS, Section 50.1 - Uses Permitted by deleting the following as permitted use:

Agricultural uses, provided no sales are made on the premises, but not including commercial animal or poultry farms or kennels.

Section 9. Amend ARTICLE 43 - AIRPORT INDUSTRIAL PARK DISTRICT REGULATIONS, Section 43.1 - Uses Permitted; ARTICLE 60 - MEDICAL DISTRICT REGULATIONS, Section 60.1 - Uses Permitted; ARTICLE 66-MEDICAL 2 DISTRICT REGULATIONS, Section 66.1 - Uses Permitted by deleting the following as permitted use:

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*Farming and other agricultural uses.*

*Section 10. Amend ARTICLE 23 - GENERAL BUSINESS C-3 DISTRICT REGULATIONS, Section 23.1 - Uses Permitted; ARTICLE 24 - HIGHWAY BUSINESS C-4 DISTRICT REGULATIONS, Section 24.1 - Uses Permitted; ARTICLE 25 - COMMERCIAL RECREATION C-5 DISTRICT REGULATIONS, Section 25.1 - Uses Permitted; ARTICLE 40 - LIGHT INDUSTRY DISTRICT REGULATIONS, Section 40.1 - Uses Permitted; ARTICLE 44 - COMMERCIAL INDUSTRIAL PARK DISTRICT REGULATIONS, Section 44.1 - Uses Permitted; ARTICLE 60 - MEDICAL DISTRICT REGULATIONS, Section 60.1 - Uses Permitted; ARTICLE 64 - AIRPORT COMMERCIAL DISTRICT REGULATIONS, Section 64.1 - Uses Permitted; ARTICLE 66 - MEDICAL 2 DISTRICT REGULATIONS, Section 66.1 - Uses Permitted by adding the following as permitted uses:*

*Farmers Markets.*

*Section 11. Amend ARTICLE 20 - NEIGHBORHOOD BUSINESS C-1 DISTRICT REGULATIONS, Section 20.1 - Uses Permitted; ARTICLE 21 - NEIGHBORHOOD BUSINESS C-1A DISTRICT REGULATIONS, Section 21.1 - Uses Permitted; ARTICLE 23 - GENERAL BUSINESS C-3 DISTRICT REGULATIONS, Section 23.1 - Uses Permitted; ARTICLE 24 - HIGHWAY BUSINESS C-4 DISTRICT REGULATIONS, Section 24.1 - Uses Permitted; ARTICLE 25 - COMMERCIAL RECREATION C-5 DISTRICT REGULATIONS, Section 25.1 - Uses Permitted; ARTICLE 40 - LIGHT INDUSTRY DISTRICT REGULATIONS, Section 40.1 - Uses Permitted; ARTICLE 44 - COMMERCIAL INDUSTRIAL PARK DISTRICT REGULATIONS, Section 44.1 - Uses Permitted; ARTICLE 64 - AIRPORT COMMERCIAL DISTRICT REGULATIONS, Section 64.1 - Uses Permitted by adding the following as permitted use:*

*Community Gardens.*

*Section 12. Amend ARTICLE 24 - HIGHWAY BUSINESS C-4 DISTRICT REGULATIONS, Section 24.1 - Uses Permitted; ARTICLE 25 - COMMERCIAL RECREATION C-5 DISTRICT REGULATIONS, Section 25.1 - Uses Permitted; ARTICLE 40 - LIGHT INDUSTRY DISTRICT REGULATIONS, Section 40.1 - Uses Permitted; ARTICLE 42 - PLANNED INDUSTRIAL DISTRICT REGULATIONS, Section 42.1 - Uses Permitted; ARTICLE 43 - AIRPORT INDUSTRIAL PARK DISTRICT REGULATIONS, Section 43.1 - Uses Permitted; ARTICLE 44 - COMMERCIAL INDUSTRIAL PARK DISTRICT REGULATIONS, Section 44.1 - Uses Permitted; ARTICLE 50 - RESEARCH PARK DISTRICT REGULATIONS, Section 50.1 - Uses Permitted; ARTICLE 51 - RESEARCH PARK WEST DISTRICT REGULATIONS, Section 51.1 - Uses Permitted; ARTICLE 52 - RESEARCH PARK APPLICATIONS DISTRICT REGULATIONS, Section 52.1 - Uses Permitted; ARTICLE 54 - RESEARCH PARK APPLICATIONS 2 DISTRICT REGULATIONS, Section 54.1 - Uses Permitted; ARTICLE 60 - MEDICAL DISTRICT REGULATIONS, Section 60.1 - Uses Permitted; ARTICLE 64 - AIRPORT COMMERCIAL DISTRICT REGULATIONS, Section 64.1 - Uses Permitted; ARTICLE 66 - MEDICAL 2 DISTRICT REGULATIONS, Section 66.1 - Uses Permitted by adding the following as permitted use:*

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Urban Farms.

*Section 13. Amend ARTICLE 92 - BOARD OF ADJUSTMENT, Section 92.5.3 - Permitted Uses as Special Exceptions to add the following:*

- (37) Community gardens located on non-residential lots, common areas, and vacant lots within Residence 1, Residence 1-A, Residence 1-B, Residence 1-C, Residence 2, Residence 2-A, Residence 2-B, and Residence 2-C districts provided all of the following conditions are met in addition to any other conditions that may be imposed by the Board of Adjustment:
  - (a) Must conform to all applicable regulations for the zoning district.
  - (b) Must be located in the rear yard on lots with primary structures.
- (38) Farmers markets located in Residence 1, Residence 1-A, Residence 1-B, Residence 1-C, Residence 2, Residence 2-A, Residence 2-B, Residence 2-C, Neighborhood Business C-1, Neighborhood Business C-1A, and Neighborhood Business C-2 Districts.
- (39) Urban farms located in Residence 1, Residence 1-A, Residence 1-B, Residence 1-C, Residence 2, Residence 2-A, Residence 2-B, Residence 2-C, Neighborhood Business C-1, Neighborhood Business C-1A, Neighborhood Business C-2, and General Business C-3 districts provided all of the following conditions are met in addition to any other conditions that may be imposed by the Board of Adjustment:
  - (a) Urban farms shall conform to all applicable regulations for the zoning district.
  - (b) Commercial sales on premises are prohibited.

*Section 14. This ordinance shall take effect from and after the date of its publication.*

**ADOPTED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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President of the City Council of  
the City of Huntsville, Alabama

**APPROVED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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Mayor of the City of Huntsville,  
Alabama